



February 25, 2008

Mr. James Willey
George, Miles & Buhr, LLC
206 West Main Street
Salisbury, MD 21801

RE: PLUS review – 2008-01-09; Fenwick Pointe Shopping Center

Dear Mr. Willey:

Thank you for meeting with State agency planners on January 30, 2008 to discuss the proposed plans for the Fenwick Pointe Shopping Center project to be located on the south side of Lighthouse Road, approximately 200 ft. east of the intersection with Sand Cove Road.

According to the information received, you are seeking a rezoning of 15.29 acres from AR-1 to C-1 for a 102,200 sq. ft. commercial shopping center.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The

full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

The Office of State Planning and Coordination recognizes the proposed project is located within a Level Three (3) Investment Area as defined by the Delaware Strategies for State Policy and Spending and is an area where the state anticipates long-term future from a nearby community. This Office has no objection to the proposed project; however, the developer should coordinate with DEL-Dot to address future traffic impacts to DE Route 54, work with Sussex County Government to address the impacts to sanitary sewer district and work with DNREC to address any environmental concerns that have been identified as part of the development of this site.

Street Design and Transportation

- The relevant segment of Delaware Route 54 is classified as a collector road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- DelDOT will also require the developer to provide a 10-foot wide shared-use path in a 15-foot wide permanent easement along the property frontage on Route 54.
- Only one access point will be permitted on Route 54. DelDOT anticipates the need for a protected left turn lane to serve the center.
- Cross-access easements should be provided to the Edward H. and Marilyn L. Long parcel (Tax Parcel 5-33-19.00-47.00) and the CMF Bayside, LLC parcel on the east (Tax Parcel 5-33-19.00-49.00).
- Sand Cove Road (Sussex Road 394) is only 130 feet away from the west edge of the proposed development. DelDOT recognizes that a crossing of the Perch Creek Tax Ditch and the purchase of private property would be necessary for the developer to access Sand Cove Road. However, in considering where to place signals along Route 54, DelDOT prefers to give priority to public roads over commercial driveways. Accordingly, and to provide for better circulation to the surrounding area, we recommend that the developer pursue a connection to Sand Cove Road.

Natural and Cultural Resources

The Developer should consider the following when developing this site:

- The impact of the additional impervious surfaces developed as part of this project. The developer should consider a variety of alternatives to mitigate these impacts on storm water, drainage, flooding and any water sources within the area.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Bryan Hall 739-3090

The Office of State Planning and Coordination recognizes the proposed project is located within a Level Three (3) Investment Area as defined by the Delaware Strategies for State Policy and Spending and is an area where the state anticipates long-term future from a nearby community. This Office has no objection to the proposed project; however, the developer should coordinate with DEL-Dot to address future traffic impacts to DE Route 54, work with Sussex County Government to address the impacts to sanitary sewer district and work with DNREC to address any environmental concerns that have been identified as part of the development of this site.

Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685

At this time, there is no indication of a known historic and cultural resource, archaeological site, or national register listed property on this project area, but it this project area does appear to be between to be two known historic and cultural resources. One of the historic and cultural resources is located on the southeast side of Route 54-9/10 mile southwest of 382, and it is a mid to late 19th-century house (S-2069). The other historic and cultural resources is located on the southeast side of 54 on the corner of 394 and Route 54, and it is a 20th-century house/bungalow (S-2070).

Another historical aspect is that according to the Beers Atlas of 1868, this project area appears to be within the area or vicinity of Baltimore Hundred, and there is a variety of historical attributes or aspects within the area or vicinity of Baltimore Hundred.

In addition, it is extremely important to remember and be aware that this project area is in a Level-4 area. Level-4 areas are often or usually environmentally sensitive areas, and sometime there area historical attributes or aspects within these types of environmental sensitive areas. The State Historic Preservation Office of the Division of Historical &

Cultural Affairs is not in favor of any type of zoning change, construction, building project, or development in Level-4 areas.

Since this project area is in a location where there are some historical attributes or aspects, it is also an indication that it is a possibility that there could probably be potential historic and cultural resources or potential archaeological resources on or within this project area. The potential historic and cultural resources or potential archaeological resources could be a cemetery, burial ground, unmarked human remains, or some other type of hidden contents or remains, which has historical attributes or aspects.

Prior to any type of ground-disturbing activities, demolition, or construction, the developer should review Chapters 53 and 54, in Title 7, of the Delaware State Code. Chapter 53 pertains to the discovery and disposition of "Conservation of Archaeological Resources In or On State Lands". Chapter 54 pertains to the "Delaware Unmarked Human Remains Act of 1987", such as the discovery and disposition of Unmarked Human Burials or Skeletal Remains". The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out.

Also prior to any type of ground-disturbing activities, demolition, or construction, the developer may want to hire an archaeological consultant to check and examine the project area thoroughly. The purpose for this is to make sure that there is no indication or evidence of a potential historic and cultural resource or potential archaeological resource such as a cemetery, burial ground, unmarked human remains, or some other type of hidden contents or remains, which has historical attributes or aspects.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) A scope of work has been set for a traffic impact study for this development. DelDOT anticipates having detailed comments regarding the site access and off-site improvements when they have reviewed the completed study.
- 2) The relevant segment of Delaware Route 54 is classified as a collector road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 3) DelDOT will also require the developer to provide a 10-foot wide shared-use path in a 15-foot wide permanent easement along the property frontage on Route 54.

- 4) Without prejudging the results of the traffic impact study, DelDOT anticipates requiring the developer to improve Route 54 to meet major collector road standards from Sand Cove Road to Delaware Route 20. These standards include 12-foot wide travel lanes and 8-foot wide shoulders.
- 5) Only one access point will be permitted on Route 54. DelDOT anticipates the need for a protected left turn lane to serve the center. Placing the access toward the center of the site frontage should allow the developer to build the turn lane and to shift the eastbound through lane and shoulder within the limits of that frontage
- 6) Cross-access easements should be provided to the Edward H. and Marilyn L. Long parcel (Tax Parcel 5-33-19.00-47.00) and the CMF Bayside, LLC parcel on the east (Tax Parcel 5-33-19.00-49.00). A parking area behind one of the 16,000 square foot buildings seems well-suited for a connection to the Long parcel.
- 7) Sand Cove Road (Sussex Road 394) is only 130 feet away from the west edge of the proposed development. DelDOT recognizes that a crossing of the Perch Creek Tax Ditch and the purchase of private property would be necessary for the developer to access Sand Cove Road. However, in considering where to place signals along Route 54, DelDOT prefers to give priority to public roads over commercial driveways. Accordingly, and to provide for better circulation to the surrounding area, we recommend that the developer pursue a connection to Sand Cove Road.
- 8) The developer's site engineer should contact the Subdivision Manager for eastern Sussex County, Mr. John Fiori, to determine specific requirements for access and off-site improvements. Mr. Fiori may be reached at (302) 760-2260.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-9071**

Soils

According to the Sussex County soil survey update, Rumford, Hambrook, and Hurlock were mapped in the immediate vicinity of the proposed construction. Rumford is a well-drained upland soil that, generally, has few limitations for development. Hurlock is a poorly-drained wetland associated (hydric) soil that has severe limitations for development and should be avoided. Approximately 15-20% of the soils mapped on subject parcel are soils mapped as Hurlock.

Based on a review of existing buffer research by Castelle et al. (1994), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from the landward edge of all wetlands and water bodies (including all ditches).

As mentioned previously, a significant portion of this parcel contains poorly to very poorly-drained hydric Hurlock soils (estimated 15-20%). Hydric soils typically have a seasonal high water table at or near the soil surface (within one-foot of soil surface or less). Building in such soils is likely to leave prospective residents of this and adjoining properties susceptible to future flooding problems from groundwater-driven surface water ponding, especially during extended periods of high-intensity rainfall events such as tropical storms/hurricanes or “nor’easters.” This is in addition to increased flooding probabilities from surface water runoff emanating from future created forms of structural imperviousness (roof tops, roads, sidewalks, and stormwater management structures).

Based on the Chapter 99, Section 16A of the Sussex County Code (paraphrased), lands compromised by improper drainage or flooding potential pose significant threats to the safety and general welfare of future residents and, therefore, shall not be developed. Soils mapped as Hurlock fit the criterion for improper drainage or high flooding potential, and should be avoided. The Watershed Assessment Section believes permitting development on such soils would be inconsistent with above-mentioned regulatory guidelines in the Sussex County Code.

Impervious Cover

Based on information provided by the applicant in the PLUS application form, the applicant’s projected estimate of post-construction surface imperviousness should not exceed 67 percent (appears to exceed 90% imperviousness). However, given the scope and density of this project, this estimate appears to significantly understate post-construction surface imperviousness. The applicant should realize that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, open-water stormwater management structures, and roads) should be included in the calculation for surface imperviousness; this will ensure a realistic assessment of this project’s likely post-construction environmental impacts. Since it is apparent that the applicant’s estimate for surface imperviousness is a significant underestimate of their project’s actual post-construction impacts, it should be recalculated to include all of the above-mentioned forms of constructed surface imperviousness. Failures to do so will significant understate this project’s true environmental impacts.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of its most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

ERES Waters

This project is located adjacent to receiving waters of the Little Assawoman Bay designated as having waters of Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as amended July 11, 2004), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 5.6.3.5 of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Little Assawoman watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. The TMDL nutrient reduction requirements for the Little Assawoman watershed require a 40 percent reduction in nitrogen and phosphorus. Additionally, the TMDL reduction requirement for bacteria is also 40 percent.

Compliance with TMDLs through the Pollution Control Strategy (PCS)

As stated above, Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Little Assawoman watershed. The TMDL calls for a 40% reduction in nitrogen and phosphorus from baseline conditions. Additionally, a 40 percent reduction in bacteria will also be required from baseline conditions. Additional nutrient reductions may be possible through the implementation of Best Management Practices such as wider vegetated buffers along watercourses or ditches, increasing passive, wooded open space, use of pervious paving materials to reduce surface imperviousness, and the use of green-technology stormwater management treatment trains. The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Water Supply

The project information sheets state water will be provided to the project by Artesian Water Company via a public water system. Our records indicate that the project is located within the public water service area granted to Artesian Water Company under Certificate of Public Convenience and Necessity 00-CPCN-07.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Sediment and Erosion Control/ Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater

management components of the plan as soon as practicable. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Because of the parcel's location in an impaired watershed and the amount of impervious surface, consider incorporating more green technology BMPs and low impact development practices to reduce stormwater flow and to meet water quality goals. Minimize the amount of parking to the maximum extent practicable to reduce the amount of impervious surfaces. Incorporate pervious technology for overflow parking areas, parking spaces, etc when possible and allow for shared parking between commercial areas. Coordinate with the local jurisdiction to determine if (a) variance(s) would be needed.

The Sediment and Stormwater Management Program ensures sediment and erosion control plans and stormwater plans comply with local land use ordinances and policies, including the siting of stormwater management facilities. However, we do not support placement in resource protection areas or the removal of trees for the sole purpose of placement of a stormwater management facility/practice.

Drainage

- This project is located within the Perch Creek Tax Ditch, which has established tax ditch rights-of-way. The submitted preliminary site plan depicts parking lots and buildings along the Main of the Perch Creek Tax Ditch. The Drainage Program recommends tax ditch rights-of-way be designated open space, as permanent structures are not permitted within tax ditch rights-of-way. Any change to the location of the tax ditch or the existing tax ditch rights-of-way will require a change to the Perch Creek Tax Ditch court order. Please contact the Drainage Program in Georgetown at (302) 855-1930 to request a determination of the tax ditch rights-of-way for this property.
- Contact Jessica Watson at the Sussex Conservation District at (302) 856-7219 to schedule a pre-application meeting for this project and include Brooks Cahall of the Drainage Program.
- The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The

Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.

- Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.

Floodplains

The current site plan indicates a large portion of the 3 commercial structures will be located in the 500 year floodplain.

Wetland Buffers/Habitat

Current county codes/regulations do not appear to recognize scientific research which supports the need for 100-foot upland buffers around wetlands to protect water quality and to provide critical habitat for wetland dependent species which utilize this buffer during a portion of their life cycle. Wildlife travel corridors typically follow water courses and other habitat connections. In the interest of water quality and wildlife habitat, we recommend maintaining at least a 100-foot vegetative buffer (not mowed grass) along Drum Creek and any associated wetlands.

Nuisance Waterfowl

Wet ponds created for stormwater management purposes may attract resident Canada geese and mute swans that will create a nuisance. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species.

Exclusion is one of the most effective methods at deterring geese. In a commercial setting such as this project, completely fencing the pond at the edge (even one foot high) may be feasible. Even though geese can fly over the fence, if they constantly have to fly between land and water the area is less desirable. If fencing is not a desired option, we recommend native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer (15-30 feet in width) around the ponds. When the view of the

surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond. The vegetation also blocks the ability to easily move between land and water.

At this time, we do not recommend using monofilament grids due to the potential for birds and other wildlife to become entangled if the grids are not properly installed and maintained. In addition, the on-going maintenance (removing entangled trash, etc.) may become a burden to the property owner/land manager.

The Division of Fish and Wildlife does not provide goose control services, and if problems arise, the property owner/land manager will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

- a. **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
 - Where a water distribution system is proposed for (business/educational/assembly/healthcare/multi-family) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- b. **Fire Protection Features:**
 - All structures over 10,000 sq.ft. aggregate will require automatic sprinkler protection installed.
 - Some structures over 2-stories in height will require automatic sprinkler protection installed.
 - Buildings greater than 10,000 sq.ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the both access roads to the subdivision from Lighthouse Rd. must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. Required **Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered

- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed rezoning and site plan. The *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 3 areas.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource. To further support this concept the Delaware Forest Service does not recommend the planting of the following species due to the high risk of mortality from insects and disease:

Callery Pear

Ash Trees

Leyland Cypress

Red Oak (except for Willow Oak)

If you would like to learn more about the potential problems or impacts associated with these trees, please contact the Delaware Forest Service for more information at (302) 698-4500.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat

corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Department of Education – Contact: John Marinucci 735-4055

This proposed project is in the Indian River School District. This is a rezoning request and review for commercial use. This rezoning request and site plan review is commercial in nature with no apparent impact on educational service delivery or infrastructure and, as such DOE has no further comments regarding this request.

Sussex County – Contact: Richard Kautz 855-7878

The application appears to be to the sole benefit of one property owner and to the detriment of adjacent agricultural or residential properties because there are no contiguous commercially zoned properties and the Comprehensive Plan does not clearly anticipate a Community type "Large-scale" shopping center in this area.

While the application is for a rezoning the developer should be aware that the Sussex County Zoning Ordinance Section 115-166 C states, "Parking within front yard setback shall be discouraged and subject to site plan review." The Planning and Zoning Commission is reluctant to approved parking in the front setback where there is no similar parking in the area and so the design should be revised to show compliance with the setback requirement.

Per page 15 of the Comprehensive Plan, "any increased density by rezoning should only be permitted with proper environmental safeguards." Because this project is situated in an Environmentally Sensitive Development Area and the CR-1 allows multiple family dwelling units up to 12 per acre, the required report should include how this requirement and the PLUS comments have been addressed and how the plan has been revised accordingly. Use of Low Impact Design principals and Green Technology could help address the environmental issues.

The Sussex County Engineer Comments:

The proposed project is in a planning area of the Fenwick Island Sanitary Sewer District (FISSD) and connection to the sewer system is mandatory. It is not contiguous to the current boundary of the FISSD and a request for annexation must include additional parcels to establish adjacency. It will be the developer's responsibility to obtain the participation of additional property owners. A maximum of 4.0 EDUs of sewer capacity have been allocated to AR-1 zoned parcels in the West Fenwick Planning Area. A project that exceeds 4.0 EDUs per acre will not be approved. Additional information must be provided to determine the actual EDUs of the proposed project. For example, if the project proposed all retail space (102,200 square feet), it would total 34.0 EDU's (1.0 EDU per 3000 square feet), but if the project proposed a combination of 20% office space and 80% retail space, the total would be 47.0 EDU's. The Sussex County Engineering Department estimated the developable area of the parcel to be $12.14 \pm$ acres and allocated 48.56 EDU's for the parcel.

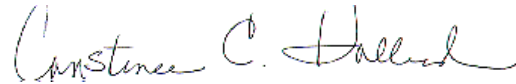
The proposed development will require a developer installed collection system in accordance with Sussex County standard requirements and procedures. In addition, it will be the developer's responsibility to install regional infrastructure from an approved connection point in accordance with the South Coastal Area Planning Study Update. Also, it may be necessary to coordinate timing with proposed upgrades to Pump Station 30. The Sussex County Engineering Department must approve the connection point, and requires that a Sewer Concept Plan be submitted for review and approval prior to requesting annexation to the FISSD. A checklist for preparing conceptual plans was handed out at the PLUS meeting along with a copy of the County's policy and steps for extending sewer district boundaries. All costs associated with extending sewer service will be the sole responsibility of the developer. One-time system connection charges will apply. Please contact Mrs. Christine Fletcher at 302 85-5086 for additional information on charges.

For questions regarding these comments, contact Rob Davis, Sussex county Engineering Department at (302) 855-7820.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director

CC: Sussex County